

**PHARMACY EXAMINING BOARD
MEETING MINUTES
OCTOBER 27, 2010**

- PRESENT:** Timothy Boehmer, R.Ph.; Jason Walker-Crawford, R.Ph.; Gregory C. Weber, R.Ph.; Jeanne Severson, R.Ph. and Amy Mattila, R.Ph.
- EXCUSED:** Suzette Renwick, Pamela Phillips
- STAFF:** Nora Wilson, Bureau Director; Michele Miller Hayes, DRL Board Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff
- GUESTS:** Brook Kawchak and Vanessa Freitag, Ministry Saint Joseph's Hospital; Eric Knox, Wisconsin Department of Corrections; Jamie Statz-Paynter, Dean Pharmacy; Jeffrey Clinton, Omnicare; Hashim Zaibali, CVS; Tom Engels, Pharmacy Society of Wisconsin (PSW); Doug Englebert and Jonathan Moody, Wisconsin Department of Health Services; Dean Polar, Cardinal Health; Peter Poppens, Natalie Ammerman, Chris Casey, Sarah Henson and Mark Putzi, pharmacy students; Teresa Geier, Walmart Pharmacy

CALL TO ORDER

Jason Walker-Crawford, Vice-Chair, called the meeting to order at 9:07 a.m. A quorum of 5 members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Per Red Folder plus the following:
 - Remove Delora Pufall appearance and discussion in closed session.

MOTION: Jeanne Severson moved, seconded Amy Mattila, to approve the agenda as published in the Red Folder. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 22, 2010

Corrections:

- Correct spelling to "Scott A. Vondra" for the presentation on page 2 of the minutes.

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to approve September 22, 2010 minutes as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

Attorney Aaron Konkol presented the Proposed Stipulation, Final Decision and Order in the matter of Darrell L. Brown - 08 PHM 002. Deliberation will be in closed session.

Attorney Aaron Konkol presented the Proposed Stipulation, Final Decision and Order in the matter of Alan W. Roeber - 08 PHM 004. Deliberation will be in closed session.

Attorney Jim Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of David Kempfert - 08 PHM 014. Deliberation will be in closed session.

Attorney Kim Kluck presented the Proposed Stipulation, Final Decision and Order in the matter of Scott A. Vondra - 09 PHM 037. Deliberation will be in closed session.

Attorney Jim Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of Ralph Leoni - 09 PHM 040. Deliberation will be in closed session.

Attorney Aaron Konkol presented the Proposed Stipulation, Final Decision and Order in the matter of Joseph M. Conrad - 10 PHM 011. Deliberation will be in closed session.

ADMINISTRATIVE REPORT

Nora Wilson reported that she had checked to see if the Pharmacy Examining Board could have an additional trip and it was determined that the Board cannot go outside of the travel policy. She also reported that the DEA will include the date of the loss along with the date of notification on the Monthly Drug Theft and Loss Report.

Elections

NOMINATION: Tim Boehmer nominated Pamela Phillips as secretary.
The Chair called for additional nominations three times before calling the vote.
Pamela Phillips was elected secretary for 2011 by unanimous vote.

NOMINATION: Greg Weber nominated Jason Walker-Crawford as chairperson.
The Chair called for additional nominations three times before calling the vote.
Jason Walker-Crawford was elected chairperson for 2011 by unanimous vote.

NOMINATION: Tim Boehmer nominated Amy Mattila as vice-chairperson.
The Chair called for additional nominations three times before calling the vote.
Amy Mattila was elected vice-chairperson for 2011 by unanimous vote.

SPEAKING ENGAGEMENTS AND TRAVEL

Amy Mattila reported on her recent trip to the NABP Standard Setting for the Multistate Pharmacy Jurisprudence Examination and the NABP Interactive Forum. The Board approved Amy Mattila to attend the District IV Conference in November as their annual meeting.

EDUCATION AND EXAMINATION ISSUES

Appearance – Mike Rouse – Assistant Executive Director, International and Professional Affairs, Accreditation Council for Pharmacy Education

Mr. Rouse explained to the Board that CPD (Continuing Professional Development) is a step beyond continuing education and is used to improve competency of practitioners. He explained that CPD would be tailored to the specialty of the practitioner.

VARIANCE REQUESTS AND REPORTS

VARIANCE REQUEST – WINNEBAGO MENTAL HEALTH INSTITUTE TECH CHECK TECH

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to grant the tech check tech variance request submitted by Winnebago Mental Health Institute as amended to include correct pharmacy regulation citation of Phar 7.01(1)(d), a tech checker role more clearly defined, a 10% daily checking requirement, accuracy rate of 99.8% and reporting error rate by technician in January and July. Motion carried unanimously.

VARIANCE REPORT – FROEDTERT HOSPITAL TECH CHECK TECH

Noted.

VARIANCE REQUEST – AURORA PHARMACY DELIVERY

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to grant the delivery variance request submitted by Aurora Pharmacy #1194. Motion carried. Greg Weber recused himself.

VARIANCE REQUEST – CHARTWELL MIDWEST WISCONSIN DELIVERY

MOTION: Jeanne Severson moved, seconded by Tim Boehmer, to deny the delivery variance request submitted by Chartwell Midwest Wisconsin. Motion carried unanimously.

REVIEW OF CURRENT AND FUTURE RULEMAKING AND LEGISLATIVE INITIATIVES – DISCUSS AND SET PRIORITIES

Review and Discuss Scope Statement to Support Revision to PHAR 7.08 and Phar 8.09

Michele Miller Hayes clarified that a statutory change would be necessary before the Board could revise the rules. The Board reviewed and provided input on the statutory change request to the legislature. Nora Wilson will complete the request and Michele Miller Hayes will send the document to the Executive Assistant. The Board requested that this be presented apart from their other statutory and rule changes.

Review and Discuss Scope Statement to Support Revision to PHAR 1.02

The Board reviewed and approved the scope statement revising Phar 1.02 with amendments. The amendments removed the word “organizational” and referenced the appropriate places in the rules that “American Council on Pharmaceutical Education” is mentioned.

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to issue the scope statement and initiate the rule writing process with respect to Phar 1.02 pending amendments as discussed in the meeting. Motion carried unanimously.

Review and Discuss Scope Statement to Support Revision to PHAR 17.02

The Board asked that the language be revised to reflect the recent change to the defined hours. The remainder of the changes discussed for Phar 17.02 will be tabled until the statutory change can be addressed.

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to issue the scope statement and initiate the rule writing process with respect to Phar 17.02(5) as amended. Motion carried unanimously.

Review and Discuss Separate Licensing for Oxygen

The Board reviewed some methods that states use to license oxygen distributors. It would require a statutory change to have a separate license for oxygen. At the next meeting, the Board will review the NABP model act to see how they recommend licensing oxygen distributors.

PRACTICE QUESTIONS

Review EPT Draft FAQs

Jason Walker-Crawford reported he has modified the FAQs for EPT and is seeking Board approval.

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to approve the EPT FAQs as written and submitted by Jason Walker-Crawford. Motion carried unanimously.

DRL UPDATE ON PDMP

Michele Miller Hayes reported that after meeting with the Department Administration, it was decided to move forward with writing rules necessary to obtain program funding. Nora Wilson reported that she is reviewing the grants and suggested that we hold on the grant application until the grants are released. She will report on her recent attendance at the Alliance of States with PDMP conference at the next PEB meeting. A scope statement will be presented at the next Board meeting for approval.

DRUG ENFORCEMENT ADMINISTRATION MONTHLY DRUG THEFT AND LOSS REPORT

Noted.

BOARD REVIEW AND DISCUSSION OF EDUCATION EFFORTS REGARDING PHARMACIST'S REQUIREMENT TO "MAKE RECORDS RELATED TO PSEUDOEPHEDRINE LOGS AVAILABLE TO A LAW ENFORCEMENT OFFICER WHO REQUESTS THEM" UNDER 961.253 (3)

The Board asked Michele Miller Hayes to draft a FAQ to review at the next meeting.

REVIEW AND DISCUSS LETTERS TO SENATOR ERPENBACH AND REPRESENTATIVE RICHARDS RE: IPP REVISIONS

Secretary Jackson talked to the Board about the process the Department used to enact the new IPP/PAP revisions. The Board expressed disappointment that they were not involved more in the process. The Secretary indicated that the criteria would be developed with the Board's input and that there was no intent to cut the Board out of the initial discussions. The Board asked that the new IPP/PAP supervisor be present at a future meeting.

CLOSED SESSION

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Timothy Boehmer-yes; Jason Walker-Crawford-yes; Gregory C. Weber-yes; Jeanne Severson-yes; Amy Mattila-yes. Motion carried unanimously.

Open session recessed at 1:30 p.m.

RECONVENE TO OPEN SESSION

MOTION: Greg Weber moved, seconded by Tim Boehmer, to reconvene into open session at 3:20 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DARRELL L. BROWN 08 PHM 002

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Darrell L. Brown, R.Ph. Motion carried unanimously.

ALAN W. ROEBER 08 PHM 004

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Alan W. Roeber, R.Ph. Motion carried. Greg Weber recused himself.

DAVID KEMPFERT 08 PHM 014

MOTION: Jeanne Severson moved, seconded by Greg Weber, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of David Kempfert, R.Ph. Motion carried unanimously.

SCOTT A. VONDRA 09 PHM 037

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Scott A. Vondra, R.Ph. Motion carried. Greg Weber recused himself.

RALPH LEONI

09 PHM 040

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Ralph Leoni, R.Ph. Motion carried unanimously.

JOSEPH M. CONRAD

10 PHM 011

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Joseph M. Conrad, R.Ph. Motion carried unanimously.

CASE CLOSINGS

08 PHM 002

MOTION: Amy Mattila moved, seconded by Greg Weber, to close case 08 PHM 002 for no violation. Motion carried unanimously.

09 PHM 020

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to close case 09 PHM 020 for no violation. Motion carried unanimously.

08 PHM 004

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to close case 08 PHM 004 for no violation. Motion carried. Greg Weber recused himself.

09 PHM 066

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to close case 09 PHM 066 for insufficient evidence. Motion carried. Greg Weber recused himself.

MONITORING

THOMAS M. TRISCARI

REQUESTING REINSTATEMENT

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to deny the request for reinstatement from Thomas M. Triscari and modify the stay to be continuous with reduction of drug screens to 28 screens per year plus one hair screen. Motion carried unanimously.

HEIDI M. TIMMERMAN

REQUESTING REINSTATEMENT

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to grant the request for reinstatement of licensure from Heidi M. Timmerman. Motion carried unanimously.

MICHAEL S. IVEY
REQUESTING INITIAL STAY OF SUSPENSION

MOTION: Jeanne Severson moved, seconded by Tim Boehmer, to deny the request for a stay of suspension from Michael S. Ivey. Motion carried unanimously.

ADJOURNMENT

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to adjourn the meeting at 3:25 p.m. Motion carried unanimously.